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November 21, 2024

[VIA ECF](#)

United States District Judge Ronnie Abrams
United States District Court
Southern District of New York
40 Foley Square, Room 2203

Re: Structured Asset Sales, LLC v. Sheeran, 20-cv-4329-RA-SN

Dear Judge Abrams:

I represent Plaintiff Structured Asset Sales, LLC in the above-referenced matter ("SAS II"). In accordance with Your Honor's November 12, 2024 Endorsement, I am writing to advise the Court that Plaintiff respectfully seeks to continue the stay of this action, pending the still-ongoing matter of *Structured Asset Sales, LLC v. Sheeran*, 18-cv-05839-LLS ("SAS I").

As Defendants reported in their letter of November 7, 2024 (ECF 104), on November 1, 2024, the Second Circuit affirmed Judge Stanton's dismissal of SAS I. See *Structured Asset Sales, LLC v. Sheeran*, No. 23-905, 2024 WL 4644955 (2d Cir. Nov. 1, 2024).

On November 15, 2024, Plaintiff filed a Petition for Rehearing *En Banc* with the Second Circuit, seeking *en banc* review of the November 1, 2024 decision. The focus of Plaintiff's Petition is upon: (a) the Second Circuit's affirmance of the District Court's conclusion on the "deposit copy" issue; and (b) the Second Circuit's reliance upon the legal views of the United States Copyright Office as reflected in the *Compendium of U.S. Copyright Office Practices* – its administrative manual – which reliance was improper following the United States Supreme Court's decision in *Loper Bright Enterprises v. Raimondo*, 144 S. Ct. 2244 (2024), in which the Supreme Court overruled *Chevron, U.S.A., Inc. v. Nat. Res. Def. Council, Inc.*, 467 U.S. 837 (1984). The Second Circuit has not, as yet, requested a response to the Petition from the Defendants.

In view of the foregoing, Plaintiff does not at this time know whether it will Petition the United States Supreme Court for a Writ of Certiorari.

As noted above, Plaintiff respectfully submits that the stay in SAS II should be continued pending the resolution of Plaintiff's Petition for Rehearing *En Banc*. Once that occurs, we will advise Your Honor and, depending on its outcome, we will then address whether Plaintiff seeks that the stay be continued further, or whether SAS II should then proceed.

United States District Judge
Ronnie Abrams

November 21, 2024

Respectfully submitted,



Hillel I. Parness

cc: Counsel of Record (via ECF)